

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

In re:

James Okoh

Debtor

Chapter 11

Case No.: 8:19-bk-09692-CPM

CHAPTER 5 EXAMINER'S AMENDED OBJECTION TO EXEMPTIONS¹

Richard M. Dauval (the "Chapter 5 Examiner"), the chapter 5 examiner for National Radiology Consultants, P.A. ("NRC"), by counsel and pursuant to Section 522 of the Bankruptcy Code, hereby objects to James Okoh's (the "Debtor") exemptions. In support of this Objection, the Chapter 5 Examiner states as follows:

NRC's Bankruptcy

1. On February 15, 2019, NRC filed its *Voluntary Petition for Non-Individuals Filing for Bankruptcy* (NRC Doc. No. 1) for relief under chapter 11 of the Bankruptcy Code as Case Number 8:19-bk-01274.

2. On February 15, 2019, NRC filed its *Chapter 11 Case Management Summary* (NRC Doc. No. 2) identifying the Debtor as NRC's sole owner and President.

3. On November 12, 2019, this Court entered its *Order Finally Approving Disclosure Statement and Confirming Second Amended Plan of Liquidation as Modified on the Record of National Radiology Consultants, P.A.* (NRC Doc. No. 203) which appointed Richard M. Dauval as the Chapter 5 Examiner.

Debtor's Bankruptcy

4. On October 14, 2019, the Debtor filed his *Voluntary Petition for Individuals Filing for Bankruptcy* (Doc. No. 1) which identify the following exemptions on Schedule C:

¹ Amended to correct the service issue raised in the *Order Abating Objection to Claim of Exemptions* (Doc. No. 89).

2. For any property you list on Schedule A/B that you claim as exempt, fill in the information below.

Brief description of the property and line on Schedule A/B that lists this property	Current value of the portion you own Copy the value from Schedule A/B	Amount of the exemption you claim Check only one box for each exemption.	Specific laws that allow exemption
9203 Pine Island Court Tampa, FL 33647 Hillsborough County Folio: 059403-3966 Line from Schedule A/B: 1.1	\$439,313.00	<input checked="" type="checkbox"/> \$195,885.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(1); Fla. Stat. Ann. §§ 222.01 & 222.02
2016 Mazda CX-5 70,000 miles Clean condition, leather, sunroof, AWD Line from Schedule A/B: 3.2	\$16,950.00	<input checked="" type="checkbox"/> \$1,000.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Stat. Ann. § 222.25(1)
Dining room set (\$150), 2 living room sets (\$100), 4 bedroom sets (\$200), office furniture (\$150) Line from Schedule A/B: 6.2	\$600.00	<input checked="" type="checkbox"/> \$600.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(2)
7 TVs (\$250), 3 video game consoles (\$150) Line from Schedule A/B: 7.1	\$400.00	<input checked="" type="checkbox"/> \$400.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(2)
Silver/crystal/china Line from Schedule A/B: 8.1	\$200.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(2)
Clothing, shoes, and accessories Line from Schedule A/B: 11.1	\$300.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(2)
Watch (\$50), wedding band (\$50) Line from Schedule A/B: 12.1	\$100.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(2)
Grill (\$10), patio furniture set (\$50), washer/dryer (\$100) Line from Schedule A/B: 14.1	\$160.00	<input checked="" type="checkbox"/> \$0.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Const. art. X, § 4(a)(2)
Regions 8241 Line from Schedule A/B: 17.1	\$326.80	<input checked="" type="checkbox"/> \$326.80 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Stat. Ann. § 222.11(2)(c)
Regions 9677 Line from Schedule A/B: 17.2	\$521.16	<input checked="" type="checkbox"/> \$521.16 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Stat. Ann. § 222.11(2)(c)
Regions 3164 Line from Schedule A/B: 17.3	\$1,702.25	<input checked="" type="checkbox"/> \$1,702.25 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Stat. Ann. § 222.11(2)(c)
Regions 5758 Line from Schedule A/B: 17.4	\$3,550.00	<input checked="" type="checkbox"/> \$3,550.00 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Stat. Ann. § 222.11(2)(c)
IRA: Raymond James Line from Schedule A/B: 21.1	\$89,025.58	<input checked="" type="checkbox"/> \$89,025.58 <input type="checkbox"/> 100% of fair market value, up to any applicable statutory limit	Fla. Stat. Ann. § 222.21(2)

5. On January 9, 2020, the Chapter 5 Examiner filed his *Unopposed Motion to Extend Time to Object to Discharge and Exemptions* (Doc. No. 46).

6. On January 28, 2020, this Court entered its *Amended Order Granting Unopposed Motion to Extend Time to Object to Discharge and Exemptions and Joinder* (Doc. No. 61) (the “Extension Order”) granting the Chapter 5 Examiner through and including April 15, 2020 to object to the Debtor’s exemptions.

Standard and Objections

7. “Notwithstanding section 541 of this title, an individual debtor may exempt from property of the estate the property listed in either paragraph (2) or, in the alternative, paragraph (3) of this subsection.” 11 U.S.C. § 522(b)(1).

8. First, the Chapter 5 Examiner generally objects to the Debtor’s exemptions to the extent any property has not been accurately or completely described in his schedules; and, to the extent that any property is subject to a possible complaint.²

9. Second, the Chapter 5 Examiner objects to exemptions for (i) silver, crystal or china, (ii) clothing, shoes or accessories, (iii) watches and wedding bands and (iv) grill, patio furniture set and washer/dryer as the amount of exemption listed was “\$0.00” and therefore the Chapter 5 Examiner cannot determine the extent of any exemption claimed.

10. Third, the Chapter 5 Examiner objects to exemptions for (i) Regions 8241 account, (ii) Regions 9677 account, (iii) Regions 3164 account and (iv) Regions 5758 account to the extent these accounts are held in the name of a non-Debtor,³ comingled funds and/or are not earnings within the meaning of Florida Statute § 222.11.

² The Extension Order also extended the deadlines under Sections 523 and 727 of the Bankruptcy Code through April 13, 2020. On April 13, 2020, the Chapter 5 Examiner filed an *Agreed Motion to Extend Time to Object to Discharge and Exemptions* (Doc. No. 87) seeking, with the consent of the Debtor, a further extension of the Section 523 and 727 deadlines through and including May 14, 2020.

³ Upon information and belief, some accounts are held in the name of Deanna Okoh and/or RadDoctor, PA.

11. Fourth, the Chapter 5 Examiner objects to an exemption for the IRA: Raymond James account to the extent it has been maintained in a manner inconsistent with Florida Statute § 222.11 or in violation of Florida Statute § 222.30.

12. Fifth, the Chapter 5 Examiner reserves the right to amend, modify and/or supplement this Objection.

WHEREFORE, the Chapter 5 Examiner respectfully requests that this Court enter an order **(i)** sustaining the Chapter 5 Examiner's Objection to the Debtor's claim of exemptions as detailed herein and **(ii)** granting such other and further relief as to this Court may deem just.

DATED this 21st day of April, 2020.

/s/ Daniel E. Etlinger

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by CM/ECF electronic service to the **Office of the United States Trustee**, 501 East Polk Street, Room 1200, Tampa, Florida 33602; **James Okoh**, 9203 Pine Island Court, Tampa, Florida 33647, **James Okoh** c/o Kristina E. Feher; **JPMorgan Chase Bank, N.A.**, c/o Ryan C. Reinert and to all others who receive CM/ECF in the ordinary course of business on this 21st day of April 2020.

/s/ Daniel E. Etlinger

Daniel E. Etlinger